

SENATE, No. 647

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Permits registered voters to receive mail-in ballots automatically for all elections under certain conditions.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning mail-in and sample ballots, amending various
2 parts of Title 19 of the Revised Statutes, and supplementing
3 chapter 14 of Title 19 of the Revised Statutes and P.L.2009,
4 c.79 (C.19:63-1 et seq.).
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*
8

9 1. Section 3 of P.L.2009, c.79 (C.19:63-3) is amended to read
10 as follows:

11 3. a. A qualified voter shall be entitled to vote using a mail-in
12 ballot in any election held in this State.

13 b. Not less than seven days before an election in which a voter
14 wants to vote by mail, the voter may apply to the person designated
15 in section 5 of P.L.2009, c.79 (C.19:63-5), for a mail-in ballot. The
16 application shall be in writing, shall be signed by the applicant and
17 shall state the applicant's place of voting residence and the address
18 to which the ballot shall be sent. The Secretary of State shall
19 prepare a mail-in application form and shall have the authority to
20 promulgate any rules and regulations the secretary deems necessary
21 to effectuate the purposes of this subsection.

22 c. Any voter wanting to vote by mail in any election may apply
23 to the person designated in section 5 of P.L.2009, c.79 (C.19:63-5)
24 for a mail-in ballot to be sent to the voter. A voter who is a member
25 of the armed forces of the United States may use a federal postcard
26 application form to apply for a mail-in ballot.

27 d. Any voter who fails to apply for a mail-in ballot before the
28 seven-day period prescribed in subsection b. of this section may
29 apply in person to the county clerk for a mail-in ballot up to 3 p.m.
30 of the day before the election.

31 e. (1) A voter who wishes to vote only by mail-in ballot in all
32 future **[general]** elections, including general elections, in which the
33 voter is eligible to vote, and who states that on an application for a
34 mail-in ballot, shall be furnished such a ballot by the county clerk
35 without further request on the part of the voter and until the voter
36 requests that the voter no longer be sent a mail-in ballot. A voter
37 shall also have the option to indicate on an application for a mail-in
38 ballot that the voter would like to receive such a ballot for **[each**
39 **election that takes place during the remainder of the calendar year**
40 **in which the application is completed and submitted]** future general
41 elections only. A voter who exercises this option shall be furnished
42 with a mail-in ballot for each future general election **[that takes**
43 **place during the remainder of the calendar year]** without further
44 request by the voter. A person voting by mail-in ballot who

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 registered by mail after January 1, 2003, who did not provide
2 personal identification information when registering pursuant to
3 section 16 of P.L.1974, c.30 (C.19:31-6.4) and is voting for the first
4 time in his or her current county of residence following registration
5 shall include copies of the required identification information with
6 the mail-in ballot. Failure to include such information with the
7 mail-in ballot shall result in its rejection.

8 (2) In the event that a voter who has requested a mail-in ballot
9 for all future elections does not complete and return such a ballot
10 for canvassing for four consecutive elections following the election
11 at which the voter last voted, the voter shall be treated as if he or
12 she requested a mail-in ballot for future general elections only and
13 shall continue to be furnished with mail-in ballots for future general
14 elections in accordance with paragraph (3) of this subsection, and
15 the ability of such a voter to receive a mail-in ballot for future
16 elections other than general elections shall be suspended until the
17 voter submits a new application for such a ballot that indicates that
18 the voter wishes to receive a ballot for all future elections.

19 **[(2)]** (3) In the event that a voter who has requested a mail-in
20 ballot for **[all]** future general elections only does not complete and
21 return such a ballot for canvassing for the fourth general election
22 following the general election at which the voter last voted, the
23 county clerk shall send a notice to that voter to ascertain whether he
24 or she continues to reside at the address from which that voter is
25 registered to vote and continues to be eligible to vote. If the notice
26 is not completed and returned by the voter to the clerk before the
27 **[40th]** 45th day prior to the next general election, a mail-in ballot
28 shall not be sent to the voter for that general election. The ability of
29 such a voter to receive a mail-in ballot for **[all]** future general
30 elections only shall be suspended until the voter submits a new
31 application for such a ballot that indicates that the voter wishes to
32 receive **[the]** a ballot for **[all]** future general elections only or for
33 all future elections.

34 **[(3)]** (4) The county clerk shall not transmit a mail-in ballot
35 for any election to any person who is deemed by a county
36 commissioner of registration to be an inactive voter or whose
37 registration file has been transferred to the deleted file pursuant to
38 R.S.19:31-19.

39 (5) Any mail-in ballot that is sent to a qualified voter and that is
40 returned to the county clerk for any reason shall be forwarded to the
41 commissioner of registration, who shall so note the return in the
42 voter record of that voter.

43 (cf: P.L.2009, c.79, s.3)

44

45 2. Section 6 of P.L.2009, c.79 (C.19:63-6) is amended to read
46 as follows:

1 6. a. The county clerk, in the case of any Statewide election,
2 countywide election, or school election in a regional or other school
3 district comprising more than one municipality; the municipal clerk,
4 in the case of any municipal election or school election in a school
5 district comprising a single municipality; and the commissioners or
6 other governing or administrative body of the district, in the case of
7 any election to be held in any fire district or other special district,
8 other than a municipality, created for specified public purposes
9 within one or more municipalities, shall publish the following
10 notice in substantially the following form:

11 NOTICE TO PERSONS WANTING MAIL-IN BALLOTS

12 If you are a qualified and registered voter of the State who wants
13 to vote by mail in the..... (school, municipal, primary,
14 general, or other) election to be held on..... (date of election)
15 **【**complete the application form below and send to the undersigned,
16 or write or apply in person to the undersigned at once requesting
17 that a mail-in ballot be forwarded to you. The request must state
18 your home address and the address to which the ballot should be
19 sent. The request must be dated and signed with your signature.

20 If any person has assisted you to complete the mail-in ballot
21 application, the name, address and signature of the assistor must be
22 provided on the application, and you must sign and date the
23 application for it to be valid and processed. No person shall serve
24 as an authorized messenger or as a bearer for more than three
25 qualified voters in an election. No person who is a candidate in the
26 election for which the voter requests a mail-in ballot may provide
27 any assistance in the completion of the ballot or may serve as an
28 authorized messenger or bearer.

29 No mail-in ballot will be provided to any applicant who submits
30 a request therefor by mail unless the request is received at least
31 seven days before the election and contains the requested
32 information. A voter may, however, request an application in person
33 from the county clerk up to 3 p.m. of the day before the election.

34 Voters who want to vote only by mail in all future general
35 elections in which they are eligible to vote, and who state that on
36 their application shall, after their initial request and without further
37 action on their part, be provided a mail-in ballot by the county clerk
38 until the voter requests that the voter no longer be sent such a
39 ballot. A voter's failure to vote in the fourth general election
40 following the general election at which the voter last voted may
41 result in the suspension of that voter's ability to receive a mail-in
42 ballot for all future general elections unless a new application is
43 completed and filed with the county clerk. **】**, the following applies:

44 You must complete the application form below and send it to the
45 county clerk where you reside or write or apply in person to the
46 county clerk where you reside to request a mail-in ballot.

1 The name, address, and signature of any person who has assisted
2 you to complete the mail-in ballot must be provided on the
3 application, and you must sign and date the application.

4 No person may serve as an authorized messenger for more than
5 10 qualified voters in an election.

6 No person who is a candidate in the election for which the voter
7 requests a mail-in ballot may provide assistance in the completion
8 of the ballot or serve as an authorized messenger or bearer.

9 A person who applies for a mail-in ballot must submit his or her
10 application at least seven days before the election, but such person
11 may request an application in person from the county clerk up to 3
12 p.m. of the day before the election.

13 Voters who want to vote by mail in all future elections will, after
14 their initial request and without further action on their part, be
15 provided with a mail-in ballot until the voter requests otherwise.

16 Voters who want to vote only by mail in future general elections
17 only will, after their initial request and without further action on
18 their part, be provided with a mail-in ballot until the voter requests
19 otherwise.

20 A voter's failure to vote in four consecutive elections will result
21 in the suspension of that voter's ability to receive a mail-in ballot
22 for future elections, unless a new application is completed and filed
23 with the county clerk.

24 **【Voters also have the option of indicating on their mail-in ballot**
25 **applications that they would prefer to receive mail-in ballots for**
26 **each election that takes place during the remainder of this calendar**
27 **year. Voters who exercise this option will be furnished with mail-in**
28 **ballots for each election that takes place during the remainder of**
29 **this calendar year, without further action on their part.】**

30 Application forms may be obtained by applying to the
31 undersigned either in writing or by telephone, or the application
32 form provided below may be completed and forwarded to the
33 undersigned.

34 Dated.....
35
36 (signature and title of county clerk)
37
38 (address of county clerk)
39
40 (telephone no. of county clerk)

41 b. (1) The Secretary of State shall be responsible for providing
42 all information regarding overseas ballots to each overseas voter
43 eligible for such a ballot pursuant to P.L.1976, c.23 (C.19:59-1 et
44 seq.). The secretary shall also make available valid overseas voter
45 registration and ballot applications to any voter who is a member of
46 the armed forces of the United States and who is a permanent
47 resident of this State, or who is an overseas voter who wishes to
48 register to vote or to vote in any jurisdiction in this State. The

1 secretary shall provide such public notice as may be deemed
2 necessary to inform members of the armed forces of the United
3 States and overseas voters how to obtain valid overseas voter
4 registration and ballot applications.

5 (2) The Secretary of State shall undertake a program to inform
6 voters in this State about their eligibility to vote by mail pursuant to
7 this act. Dissemination of this information shall be included in the
8 standard notices required by this section and other provisions of
9 current law, including but not limited to the notice requirements of
10 R.S.19:12-7, and shall be effectuated by such means as the secretary
11 deems appropriate and to the extent that funds for such
12 dissemination are appropriated including, but not limited to, by
13 means of Statewide or local electronic media, public service
14 announcements broadcast by such media, notices on the Internet site
15 of the Department of State or any other department or agency of the
16 Executive Branch of State government or its political subdivisions
17 deemed appropriate by the secretary, and special mailings or notices
18 in newspapers or other publications circulating in the counties or
19 municipalities of this State.

20 c. The mail-in ballot materials shall contain a notice that any
21 person voting by mail-in ballot who has registered by mail after
22 January 1, 2003, who did not provide personal identification
23 information when registering and is voting for the first time in his
24 or her current county of residence following registration shall
25 include copies of the required identification information with the
26 mail-in ballot, and that failure to include such information shall
27 result in the rejection of the ballot.

28 d. The notice provided for in subsection a. of this section shall
29 be published before the 55th day immediately preceding the holding
30 of any election.

31 Notices relating to any Statewide or countywide election shall be
32 published in at least two newspapers published in each county. All
33 officials charged with the duty of publishing such notices shall
34 publish the same in at least one newspaper published in each
35 municipality or district in which the election is to be held, or if no
36 newspaper is published in the municipality or district, then in a
37 newspaper published in the county and circulating in the
38 municipality or district. All such notices shall be display
39 advertisements.

40 (cf: P.L.2015, c.84, s.2)

41

42 3. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to
43 read as follows:

44 16. a. The Secretary of State shall cause to be prepared and
45 shall provide to each county commissioner of registration forms of
46 size and weight suitable for mailing, which shall require the
47 information required by R.S.19:31-3 in substantially the following
48 form:

1 VOTER REGISTRATION APPLICATION

2 Print clearly in ink. Use ballpoint pen or marker.

3 (1) This form is being used as: **[(check one)]**:

4 New registration

5 Address change

6 Name change

7 Vote by mail in future elections

8 (2) Name:.....

9 Last First Middle

10 (3) Are you a citizen of the United States of America?YesNo

11 (4) Will you be 18 years of age on or before election
12 day?Yes No

13 If you checked 'No' in response to either of these questions, do
14 not complete this form.

15 (5) Street Address where you live:

16

17 Street Address Apt. No.

18

19 (6) City or Town County Zip Code

20 (7) Address Where You Receive Your Mail (if different from
21 above):

22

23 (8) Date of Birth:

24

25 Month Day Year

26 (9) (a) Telephone Number (optional).....

27 (b) E-Mail Address (optional).....

28 (10) Name and address of Your Last Voter Registration

29

30

31

32 (11)If you are registering by mail to vote and will be voting for
33 the first time in your current county of residence, please provide
34 one of the following:

35 (a) your New Jersey driver's license
36 number:.....

37 (b) the last four digits of your Social Security
38 Number.....

39 OR submit with this form a copy of any one of the following
40 documents: a current and valid photo identification card; a current
41 utility bill, bank statement, government check, pay check or any
42 other government or other identifying document that shows your
43 name and current address. If you do not provide either your New
44 Jersey driver's license number or the last four digits of your Social
45 Security Number, or enclose a copy of one of the documents listed
46 above, you will be asked for identification when voting for the first
47 time, unless you are exempt from doing so under federal or State
48 law.

1 (12) Do you wish to declare a political party affiliation?
2 (Optional):

3 YES. Name of Party:

4 NO. I do not wish to declare a political party affiliation
5 at this time.

6 (13) You may choose to receive ballots to vote by mail in future
7 elections by selecting either option listed below. YOU ARE NOT
8 REQUIRED TO CHOOSE EITHER OPTION.

9 I wish to receive a Mail-in Ballot for all future elections,
10 until I request otherwise.

11 I wish to receive a Mail-in Ballot for all future general
12 elections only, until I request otherwise.

13 **[(13)](14) Declaration - I swear or affirm that:**

14 I am a U.S. citizen.

15 I live at the above address.

16 I will be at least 18 years old on or before the day of the next
17 election.

18 I am not on parole, probation or serving a sentence due to a
19 conviction for an indictable offense under any federal or State laws.

20 I UNDERSTAND THAT ANY FALSE OR FRAUDULENT
21 REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO
22 \$15,000, IMPRISONMENT UP TO FIVE YEARS, OR BOTH
23 PURSUANT TO R.S.19:34-1.

24
25 Signature or mark of the registrant Date

26 **[(14)](15) If applicant is unable to complete this form, print the**
27 **name and address of individual who completed this form.**

28
29 Name

30
31 Address

32 The form shall state in an appropriate location: "This form shall
33 not be used if an applicant requires the assistance of another person
34 to complete a mail-in ballot or to return a completed mail-in ballot
35 to the county board of elections, pursuant to section 16 of P.L.2009,
36 c.79 (C.19:63-16)."

37 In addition, the form may include notice to the applicant of
38 information and options relating to the registration and voting
39 process, including but not limited to notice of qualifications
40 required of a registered voter; notice of the final day by which a
41 person must be registered to be eligible to vote in an election;
42 notice of the effect of a failure to provide required identification
43 information; a place at which the applicant may indicate availability
44 for service as a member of the district board of elections; a place at
45 which the applicant may indicate whether he or she requires a
46 polling place which is accessible to individuals with disabilities and
47 the elderly or whether he or she is legally blind; a place at which
48 the applicant may indicate a desire to receive additional information

1 concerning **【absentee】** voting by mail; and if the application
2 indicates a political party affiliation, the voter is permitted to vote
3 in the primary election of a political party other than the political
4 party in which the voter was affiliated previously only if the voter
5 registration form with the change of political party affiliation is
6 filed prior to the 50th day next preceding the primary election. The
7 form may also include a space for the voter registration agency to
8 record whether the applicant registered in person, by mail or by
9 other means.

10 b. The reverse side of the registration form shall bear the
11 address of the Secretary of State or the commissioner of registration
12 to whom such form is supplied, and a United States postal permit
13 the charges upon which shall be paid by the State.

14 c. The Secretary of State shall cause to be prepared registration
15 forms of the size, weight and form described in subsection a. of this
16 section in both the English and Spanish language and shall provide
17 such forms to each commissioner of registration of any county in
18 which there is at least one election district in which bilingual
19 sample ballots must be provided pursuant to R.S.19:14-21,
20 R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4).

21 d. The commissioner of registration shall furnish such
22 registration forms upon request in person to any person or
23 organization in such reasonable quantities as such person or
24 organization shall request. The commissioner shall furnish no
25 fewer than two such forms to any person upon request by mail or by
26 telephone.

27 e. Each such registration form shall have annexed thereto
28 instructions specifying the manner and method of registration, and
29 the vote by mail options specified on the form, and stating the
30 qualifications for an eligible voter.

31 f. The Secretary of State shall also furnish such registration
32 forms and such instructions to the Director of the Division of
33 Workers' Compensation, the Director of the Division of
34 Employment Services, and the Director of the Division of
35 Unemployment and Temporary Disability Insurance in the
36 Department of Labor and Workforce Development; to the Director
37 of the Division of Taxation in the Department of the Treasury; to
38 the Executive Director of the New Jersey Transit Corporation; to
39 the appropriate administrative officer of any other public agency, as
40 defined by subsection a. of section 15 of P.L.1974, c.30 (C.19:31-
41 6.3); to the Adjutant General of the Department of Military and
42 Veterans' Affairs; and to the chief administrative officer of any
43 voter registration agency, as defined in subsection a. of section 26
44 of P.L.1994, c.182 (C.19:31-6.11).

45 g. All registration forms received by the Secretary of State in
46 the mail or forwarded to the Secretary of State shall be forwarded to
47 the commissioner of registration in the county of the registrant and
48 to the county clerk if the vote by mail option is selected on a form.

1 h. An application to register to vote received from the New
2 Jersey Motor Vehicle Commission or a voter registration agency, as
3 defined in subsection a. of section 26 of P.L.1994, c.182 (C.19:31-
4 6.11), shall be deemed to have been timely made for the purpose of
5 qualifying an eligible applicant as registered to vote in an election if
6 the date on which the commission or agency shall have received
7 that document in completed form, as indicated in the lower right
8 hand corner of the form, was not later than the 21st day preceding
9 that election.

10 i. Each commissioner of registration shall make note in the
11 permanent registration file of each voter who is required to provide
12 the personal identification information required pursuant to this
13 section, as amended, and R.S.19:15-17, R.S.19:31-5 and Pub.L.107-
14 252 (42 U.S.C.s. 15301 et seq.), to indicate the type of
15 identification provided by the voter and the date on which it is
16 provided. Prior to the June 2004 primary election, when such a
17 newly registered voter seeks to vote for the first time following his
18 or her registration, the voter will be required to provide such
19 personal identification information. Beginning with the June 2004
20 primary election, when such a newly registered voter seeks to vote
21 for the first time following his or her registration, the voter will not
22 be required to provide such information if he or she had previously
23 provided the personal identification information required pursuant
24 to this section. The required information shall be collected and
25 stored for the time and in the manner required pursuant to
26 regulations promulgated by the Secretary of State.

27 j. The Secretary of State shall amend the voter registration
28 application form if necessary to conform to the requirements of
29 applicable federal or State law.

30 k. In the event that the name of any political party entered on
31 the voter registration form by a voter who wishes to declare a
32 political party affiliation is not legible, the commissioner of
33 registration shall mail the voter a political party declaration form
34 and a letter explaining that the voter's choice was not understood
35 and that the voter should complete and return the declaration form
36 in order to be affiliated with a party.

37 (cf: P.L.2009, c.287, s.1)

38
39 4. Section 1 of P.L.2005, c.145 (C.19:31-31) is amended to
40 read as follows:

41 1. a. There shall be established in the Department of State a
42 single Statewide voter registration system, as required pursuant to
43 section 303 of the federal "Help America Vote Act of 2002,"
44 Pub.L.107-252 (42 U.S.C. s.15483). The principal computer
45 components of the system shall be under the direct control of the
46 Secretary of State. The Secretary of State shall be responsible for
47 creating the network necessary to maintain the system and
48 providing the computer software, hardware and security necessary

1 to ensure that the system is accessible only to those executive
2 departments and State agencies so designated by the Secretary of
3 State, each county commissioner of registration, each county and
4 municipal clerk, and individuals under certain circumstances, as
5 provided for by this section. The system shall be the official State
6 repository for voter registration information for every legally
7 registered voter in this State, and shall serve as the official voter
8 registration system for the conduct of all elections in the State.

9 b. The Statewide voter registration system shall include, but
10 not be limited to, the following features:

11 (1) the name and registration information of every legally
12 registered voter in the State;

13 (2) the ability to assign a unique identifier to each legally
14 registered voter in the State;

15 (3) interactivity among appropriate State agencies so designated
16 by the Secretary of State, each county commissioner of registration,
17 each county board of elections, and each county clerk such that
18 these entities shall have immediate electronic access to all or
19 selected records in the system, as determined by the Secretary of
20 State, to receive or transmit all or selected files in the system and to
21 print or review all or selected files in the system;

22 (4) the ability to permit any county commissioner of registration
23 to enter voter registration information on an expedited basis at the
24 time the information is provided thereto and to permit the Secretary
25 of State to provide technical support to do so whenever needed;

26 (5) the ability to permit each municipal clerk to view or print
27 information in the system;

28 (6) the ability to permit an individual, by July 1, 2006, to verify
29 via the Internet whether that individual, and only that individual, is
30 included in the system as a legally registered voter, whether the
31 information pertaining to that individual required by subsection c.
32 of this section is correct, and if not, a means to notify the pertinent
33 county commissioner of registration of the corrections that must be
34 made and to so verify in a way that does not give one individual
35 access to the information required by subsection c. of this section
36 for any other individual;

37 (7) a Statewide street address index and map in electronic form
38 that can accurately identify the location of every legally registered
39 voter in this State;

40 (8) the ability to record and monitor all requests for mail-in
41 ballots; to enable the county clerk to verify the identity and
42 signature of each person requesting a mail-in ballot; to record the
43 name and address of each voter determined to be eligible to receive
44 a mail-in ballot for a particular election and to note when a mail-in
45 ballot has been transmitted to that voter by mail or hand delivery; to
46 update the system to allow the postal tracking of mail-in ballots
47 using Intelligent Mail barcodes, or a similar successor tracking
48 system; and to make such information available to the Secretary of

1 State so that a voter can be notified whether the application for such
2 a ballot was accepted or rejected, and the reason for the rejection,
3 using the free-access system established by section 5 of P.L.2004,
4 c.88 (C.19:61-5); and
5 (9) any other functions required pursuant to Pub.L.107-252 (42
6 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or that
7 may be deemed necessary by the Secretary of State.
8 c. The Statewide voter registration system shall include, but
9 not be limited to, the following information for every legally
10 registered voter in this State:
11 (1) last, first and middle name;
12 (2) street address at time of registration or rural route, box
13 number or apartment number, if any;
14 (3) city or municipality, and zip code;
15 (4) date of birth;
16 (5) telephone number and e-mail address, if provided on voter
17 registration form;
18 (6) previous name or address if individual re-registered due to
19 change of name or address;
20 (7) ward and election district number, if either is available;
21 (8) (a) current and valid New Jersey driver's license number; or
22 (b) if the registrant has not been issued a New Jersey driver's
23 license number, the last four digits of the registrant's social security
24 number; or
25 (c) unique identifying number for any individual who has not
26 been issued the information sought in subparagraph (a) or (b) of this
27 paragraph;
28 (9) notation that a copy of one of the following documents has
29 been submitted with the voter registration application, if required:
30 current and valid photo identification card; a current utility bill,
31 bank statement, government check, pay check or any other
32 government document showing the registrant's name and current
33 address;
34 (10) the method by which the individual registered and whether
35 that person needs to provide additional identification information to
36 vote using a voting machine instead of a provisional ballot;
37 (11) political party affiliation, if designated;
38 (12) digitalized signature;
39 (13) date of registration or re-registration;
40 (14) name and street address of the individual assisting in the
41 completion of the form, if the applicant for registration is unable to
42 do so;
43 (15) voting participation record for ten-year period; and
44 (16) any other information required pursuant to Pub.L.107-252
45 (42 U.S.C. s.15301 et seq.), or Title 19 of the Revised Statutes, or
46 that the Secretary of State determines is necessary to assess the
47 eligibility of an individual to be registered to vote and to vote in

1 this State.
2 (cf: P.L.2009, c.287, s.2)

3
4 5. Section 5 of P.L.2009, c.79 (C.19:63-5) is amended to read
5 as follows:

6 5. In the case of any election, the application for a mail-in
7 ballot shall be made to the county clerk. The county clerk shall
8 stamp thereon the date on which the application was received in the
9 clerk's office.

10 In the case of applications for overseas federal election voter
11 ballots, as provided for in P.L.1976, c.23 (C.19:59-1 et seq.), no
12 application shall be refused on the grounds that it was submitted too
13 early.

14 In the case of voter registration forms that include a selected vote
15 by mail option, a copy of each such form shall be transmitted to and
16 received by the appropriate county clerk, who shall be responsible
17 for providing mail-in ballots to each qualified voter requesting such
18 ballots for the future elections indicated on the voter registration
19 form, until the voter requests otherwise.

20 (cf: P.L.2009, c.79, s.5)

21
22 6. Section 13 of P.L.2009, c.79 (C.19:63-13) is amended to
23 read as follows:

24 13. a. On the margin of the flap on the inner envelopes to be
25 sent to mail-in voters there shall be printed a certificate in the
26 following form:

27 CERTIFICATE OF MAIL-IN VOTER

28 I,, whose home address is
29 (print your name clearly) (street

30, DO HEREBY CERTIFY,

31 address or R.D. number) (municipality) **【Subject】** subject to the
32 penalties for fraudulent voting, that I am the person who applied for
33 the enclosed ballot. I MARKED AND SEALED THIS BALLOT
34 AND CERTIFICATE IN SECRET. However, a family member
35 may assist me in doing so.

36

37 (signature of voter)

38 Any person providing assistance shall complete the following:

39 I do hereby certify that I am the person who provided assistance
40 to this voter and declare that I will maintain the secrecy of this
41 ballot.

42

43 (signature of person providing
44 assistance)

45

46 (printed name of person providing
47 assistance)

48

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

.....
(address of person providing
assistance)

b. On the margin of the flap on the inner envelope forwarded with any mail-in ballot intended to be voted in any primary election for the general election, as the case may be, there shall be printed a certificate in the following form:

CERTIFICATE OF MAIL-IN VOTER

I,, whose home address is.....
(print your name clearly) (street address or R.D.
number) (municipality)

....., DO HEREBY CERTIFY,
subject to the penalties for fraudulent voting, that I am the person who applied for the enclosed ballot for the primary election. I MARKED AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET. However, a family member may assist me in doing so.

.....
(signature of voter)

Any person providing assistance shall complete the following:

I do hereby certify that I am the person who provided assistance to this voter and declare that I will maintain the secrecy of this ballot.

.....
(signature of person providing
assistance)

.....
(printed name of person
providing assistance)

.....
(address of person providing
assistance)

c. The clerk of each county shall be permitted to affix to the margin of the flap on the inner envelope of the mail-in ballot transmitted thereby to a mail-in ballot voter an alternative certificate, substantially similar to the certificate provided for by subsection a. or b. of this section, that permits the voter to certify the correctness of the voter's name, street, mailing address or R.D. number, and municipality as it appears on the label of the mail-in ballot received by the voter.

(cf: P.L.2011, c.134, s.53)

7. Section 20 of P.L.2009, c.79 (C.19:63-20) is amended to read as follows:

20. a. Any person who has applied for a mail-in ballot and has had the mail-in ballot either delivered in person or forwarded by mail, and voted and returned the voted ballot to the county board,

1 shall not be permitted to vote in person at the polling place in the
2 voter's election district on the day of the election.

3 b. Any person who: (1) has applied for a mail-in ballot and not
4 received either the ballot or an explanation for not receiving such a
5 ballot pursuant to notification by the county clerk or from the free-
6 access system established pursuant to section 5 of P.L.2004, c.88
7 (C.19:61-5) to provide such information; **【or】** (2) has applied for
8 and received a mail-in ballot and has not transmitted it to the county
9 board of elections or given it to a bearer for delivery to the county
10 board before the time for the opening of the polls on the day of an
11 election; or (3) has applied for and received a mail-in ballot and has
12 not transmitted it to the county board of elections or given it to the
13 bearer for delivery to the county board, but appears at the polling
14 place without the ballot and wishes to vote, shall be permitted to
15 vote in person by provisional ballot at the polling place in the
16 voter's election district on the day of the election.

17 (cf: P.L.2009, c.79, s.20)

18

19 8. (New section) Notwithstanding the provisions of R.S.19:14-
20 25 or R.S.19:23-30 to the contrary, the sample ballot for a general
21 election, or any other election, shall not be mailed to any qualified
22 voter who has been sent a mail-in ballot for that election, pursuant
23 to section 3 of P.L.2009, c.79 (C.19:63-3).

24

25 9. This act shall take effect on the January 1 next following the
26 day of enactment.

27

28

29

STATEMENT

30

31 This bill changes current law to enable a registered voter to vote
32 by mail-in ballot in all future elections or for future general
33 elections only. The bill also provides that, if a voter who requested
34 a mail-in ballot for all future elections does not vote by such means
35 in four consecutive elections, the voter will receive a mail-in ballot
36 for future general elections only and the ability of the voter to
37 receive a mail-in ballot for all other elections would be suspended
38 until the voter submits a new application indicating that the voter
39 wishes to vote in all future elections.

40 Under current law, a registered voter can choose to vote by mail-
41 in ballot in all future general elections, until the voter notifies the
42 county clerk that the voter no longer wishes to do so, or unless the
43 voter fails to vote in the fourth general election following the
44 general election in which the voter last voted. Current law also
45 gives the registered voter who applies for a mail-in ballot the option
46 to receive a mail-in ballot for each election occurring in the
47 remainder of that calendar year.

1 Current law provides that if a voter who has requested a mail-in
2 ballot for future general elections only does not vote in the fourth
3 general election following the general election at which the voter
4 last voted, the county clerk will send a notice to that voter to
5 ascertain whether he or she continues to reside at the address from
6 which that voter is registered to vote. The bill provides that if the
7 notice is not completed and returned before the next subsequent
8 general election, a mail-in ballot will not be sent to the voter for
9 that general election. The ability of such a voter to receive a mail-
10 in ballot for future general elections only would be suspended until
11 the voter submits a new application for such a ballot that indicates
12 that the voter wishes to receive a mail-in ballot for all future
13 elections, or for future general elections only.

14 Finally, the bill: 1) provides that a sample ballot for an election
15 would not be sent to any qualified voter who has applied for and has
16 been sent a mail-in ballot for that election; 2) requires the Secretary
17 of State to update the Statewide Voter Registration System to allow
18 the postal tracking of mail-in ballots using Intelligent Mail
19 barcodes, or a similar successor tracking system; 3) reformats the
20 text of the required public notice concerning the use of mail-in
21 ballots that appears in newspapers before an election; and 4)
22 permits the clerk of each county to use an alternative mail-in ballot
23 certification that permits the voter to certify the correctness of the
24 identifying information contained on the label of the ballot instead
25 of requiring the voter to provide the voter's name and address on
26 the certification.